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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 FRESNO DIVISION

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12 SILVESTRE SOTO and OLGA GALVAN,) **Case No. 09-cv-00701-AWI-JLT**
on behalf of themselves and all others) **ORDER GRANTING STIPULATION**
13 similarly situated,) **TO AMEND THE BRIEFING**
) **SCHEDULE RE: MOTION FOR CLASS**
14 Plaintiff,) **CERTIFICATION**
)
15 vs.) (Doc. 144)
)
16 CASTLEROCK FARMING AND)
TRANSPORT, INC., and DOES 1-20,)
17)
)
18 Defendant.)
)
19 _____)

20 On May 24, 2013, Magistrate Judge Jennifer L. Thurston amended the briefing
21 schedule governing Plaintiff’s motion for class certification. Docket No. 137. Both Mr. Glynn
22 and Mr. Hanlon, counsel for defendant Castlerock Farming and Transport, Inc. (“Castlerock”),
23 are currently engaged in trial in Santa Clara County, Case No. 1-00-CV-788657, a public
24 nuisance suit brought by ten cities and counties seeking abatement of lead paint on residences.
25 Mr. Glynn and Mr. Hanlon represent E.I. du Pont de Nemours and Company, one of five
26 defendants. The plaintiffs seek abatement with a forecast cost in excess of \$1 billion. The
27 presentation of evidence is expected to continue into early September and will be followed by
28 post-trial merits briefing because the case is being tried to the court, rather than a jury.

1 Castlerock's counsel thus expect to be fully occupied by their present trial through the end of
2 September.

3 Due to counsel's schedule conflict, the parties stipulate to amend the class
4 certification briefing schedule as follow:

- 5 A. Plaintiff's motion for class certification SHALL be filed on or before
6 September 30, 2013;
- 7 B. Defendant's opposition to class certification SHALL be filed on or before
8 October 28, 2013;
- 9 C. Plaintiff's reply SHALL be filed on or before November 18, 2013.
- 10 D. The hearing on Plaintiff's motion for certification SHALL take place on a
11 date convenient to the Court.

12 Dated: August 12, 2013

13 /s/ Morgan K. Lopez
14 GLYNN & FINLEY, LLP
15 Clement L. Glynn
16 James M. Hanlon, Jr.
Morgan K. Lopez
Counsel for Defendant

17 Dated: August 12, 2013

18 /s/ Stan S. Mallison
19 MALLISON & MARTINEZ
20 Stan S. Mallison
21 Hector R. Martinez
Marco A. Palau
Joseph D. Sutton
Counsel for Plaintiff

22 **ORDER**

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24 Before the Court is the stipulation of counsel to, once again, re-set the briefing schedule
25 for the class certification motion. In the last stipulation, defense counsel requested an extension
26 of the briefing schedule due to a pre-planned vacation. Now, the extension is requested due to a
27 significant trial with which defense counsel will be engaged during the time that they, otherwise,
28 would be preparing the opposition to the class certification motion.

1 The Court is fully aware of the demands of a busy practice and does not discount the need
2 for rest times and will **GRANT** the stipulation. However, short of a severe situation, **the Court**
3 **will not entertain any further requests to amend the briefing schedule.** Therefore the
4 briefing schedule is amended as follows:

- 5 A. The motion for class certification **SHALL** be filed on or before September 30, 2013;
- 6 B. Opposition to class certification **SHALL** be filed on or before October 28, 2013;
- 7 C. The reply **SHALL** be filed on or before November 18, 2013;
- 8 D. The motion for class certification will be heard on December 18, 2013 at 9:00 a.m.

9 Telephonic appearances via CourtCall are authorized.

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11 IT IS SO ORDERED.

12 Dated: August 14, 2013

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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